

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1735, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, between lines 21 and 22, begin a new paragraph and insert:
- 2 **""Nonprescription drug" means a drug that may be sold**
- 3 **without a prescription and that is labeled for use by a patient in**
- 4 **accordance with state and federal laws."**
- 5 Page 4, line 22, delete "care givers" and insert "caregivers".
- 6 Page 4, line 36, after "devices." insert **"However, drug selection**
- 7 **must comply with IC 16-42-19 and IC 16-42-22."**
- 8 Page 5, line 23, reset in roman "not".
- 9 Page 5, line 24, reset in roman "more than four (4) of whom may be
- 10 from the same political party,".
- 11 Page 5, line 31, before "One" insert **"who hold a current license to**
- 12 **practice pharmacy in Indiana."**
- 13 Page 5, line 31, reset in roman "One (1) member of the board must
- 14 be a".
- 15 Page 5, line 32, reset in roman "practicing hospital pharmacist".
- 16 Page 5, line 32, delete "who hold a current license to practice".
- 17 Page 5, delete line 33.
- 18 Page 6, between lines 29 and 30, begin a new paragraph and insert:
- 19 **"SECTION 4. IC 25-26-13-16 IS AMENDED TO READ AS**
- 20 **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) A pharmacist**

1 shall exercise his professional judgment in the best interest of the
2 patient's health when engaging in the practice of pharmacy.

3 (b) A pharmacist has a duty to honor all prescriptions from a
4 practitioner or from a physician, podiatrist, dentist, or veterinarian
5 licensed under the laws of another state. Before honoring a
6 prescription, the pharmacist shall take reasonable steps to determine
7 whether the prescription has been issued in compliance with the laws
8 of the state where it originated. The pharmacist is immune from
9 criminal prosecution or civil liability if he, in good faith, refuses to
10 honor a prescription because, in his professional judgment, the
11 honoring of the prescription would:

- 12 (1) be contrary to law;
- 13 (2) be against the best interest of the patient;
- 14 (3) aid or abet an addiction or habit; ~~or~~
- 15 (4) be contrary to the health and safety of the patient; ~~or~~
- 16 **(5) be against the pharmacist's religious beliefs or moral**
17 **convictions."**

18 Renumber all SECTIONS consecutively.

(Reference is to HB 1735 as printed March 2, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Miller

Chairperson